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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 10/713,600
Filing Date: November 13, 2003
Appellant(s): GRELLMANN ET AL.

W. Brinton Yorks, Jr.
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed April 28, 2005.

(1) Real Party in Interest

A statement identifying the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

A statement identifying the related appeals and interferences, which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) Status of Claims

The statement of the status of the claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Invention

The summary of invention contained in the brief is correct.

(6) Issues

The appellant's statement of the issues in the brief is correct.

(7) Claims Appealed

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Prior Art of Record

5,851,186	Wood et al.	12-1998

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Wood et al., U.S. Patent 5,851,186.

Referring to claim 1:

a. a plurality of diagnostics computers for diagnosing the functionality of an ultrasound system containing ultrasound functionality diagnostics software which are operated by servicepersons to download ultrasound system functionality diagnostic information from ultrasound systems (column 11, lines 14-28: Wood et al. disclose that the Perform Diagnostics functions can be performed by an on-site serviceman using a laptop computer).

b. a central diagnostics location with which said diagnostics computers periodically communicate to transfer said ultrasound system functionality diagnostic information (column 12, lines 66-67 continued in column 13, lines 1-8: Wood et al. disclose that all of the network's ultrasound systems use the HDI Server for storage of their diagnostics results).

c. whereby said central diagnostic location is a repository for ultrasound system repair, maintenance, or quality improvement diagnostic information obtained by said diagnostic computers from plurality of ultrasound systems (column 12, lines 66-67 continued in column 13, lines 1-8: Wood et al. disclose that all of the network's ultrasound systems use the HDI Server for storage of their diagnostics results).

Referring to claim 2, wherein said diagnostics computers comprise portable computers (column 11, lines 14-28: Wood et al. disclose a laptop computer for diagnostics).

Referring to claim 3, wherein said portable computers comprise laptop computers (column 11, lines 14-28: Wood et al. disclose a laptop computer).

Referring to claim 4, wherein said diagnostics computers download said diagnostic information over a network from locations remote from said ultrasound systems (column 10, lines 45-62: Wood et al. disclose the use of an HTTP server for diagnostics).

Referring to claim 5, wherein said diagnostics computers further act to download diagnostic information over a direct connection at the site of said ultrasound systems (column 11, lines 16-20: Wood et al. disclose that when the servicemen is with the ultrasound system, there is no need for modem interconnection; the network link can be made directly. In this case a cable is connected from the serial port of the laptop computer to the serial port of the ultrasound system).

Referring to claim 6, wherein said diagnostics computers upload said diagnostic information over a network to said central diagnostics location from locations remote from said central diagnostics location (column 11, lines 20-28: Wood et al. disclose interrogating the ultrasound system through an Ethernet connection).

(10) Response to Argument

On page 7, the Applicant argues, "No second level of communication between diagnostics computers and a central diagnostics location is shown or even hinted at in

Wood et al. or its parent '323 patent." The Examiner respectfully disagrees. In Figure 15, Wood et al. disclose a centralized server (234) connected to each ultrasound machine (HDI 1000) via a network. In column 12, lines 60-65, Wood et al. disclose that the remote terminal user can access patient reports and images, delete exams from system storage, perform system diagnostics, or connect directly to System Operation Control to control the operation of the HDI 1000 system. Further, in column 12, lines 66-67 continued in column 13, lines 1-8, Wood et al. disclose that an advantage of the local network (which is shown in Figure 15 mentioned above) is that all systems on the network can utilize the local server (centralized server) to store ultrasound images and patient reports, making them accessible to remotely located diagnosing physicians even when the ultrasound systems are not in operation. When all of the network's ultrasound systems use the HDI server 234 (a central repository since it is accessible by all of the ultrasound systems) for storage of their diagnostic results (these results are from the system diagnostics performed on the ultrasound system that were mentioned above), all of this information will be accessible over the Internet even when the ultrasound systems are disconnected for use elsewhere or turned off at the end of a day. Based on the above cited disclosure, the Examiner believes that Wood et al. disclose a central diagnostics location that a is a repository for ultrasound system repair, maintenance, or quality diagnostic information obtained by said diagnostic computers from a plurality of ultrasound systems.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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MM
June 7, 2005

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